

VZCZCXYZ0001
OO RUEHWEB

DE RUCNDT #0890/01 2921629
ZNY CCCCC ZZH
O 191629Z OCT 07
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 2832

C O N F I D E N T I A L USUN NEW YORK 000890

SIPDIS

SIPDIS

E.O. 12958: DECL: 10/18/2017

TAGS: [UNGA](#)

SUBJECT: RUSSIANS SEEK ADOPTION OF WORKING PAPER ON
SANCTIONS

Classified By: Carolyn Willson, Minister Counselor, for
reasons 1.4(b) and (d).

11. (U) Action Request: para 8.

12. (U) BEGIN SUMMARY: The Russians have circulated a paper, entitled "Working paper on the basic conditions and standard criteria for the introduction and implementation of sanctions and other coercive measures," (A/AC.182/L.114/Rev.2) and proposed that the General Assembly adopt it during the 62nd session. END SUMMARY.

13. (U) The working paper on sanctions is a substantially revised version of a proposal Russia first presented to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization in 1997. In the ten years since then, the Charter Committee has discussed the Russian paper at its annual meetings, and Russia has circulated a series of revisions that incorporate delegations' comments. The Charter Committee has not reached consensus on it, and USUN has consistently advised the Russians that the United States does not see a need for the General Assembly to adopt the paper, particularly since it could duplicate the work of the Security Council. Notably and usefully, however, Russia's paper has served to deflect delegations' attention from two more problematic proposals on sanctions, proposed by Libya and Cuba.

14. (U) Two years ago, the Russian delegation advised USUN that it sought a "face saving" way to remove its paper, along with other longstanding Russian proposals, from the Charter Committee's agenda and appealed to USUN for flexibility. Since then, the Charter Committee has taken many of the Russian proposals off its agenda, without adopting any of them in substance. Russia's paper on sanctions, along with a Russian/Belarusian proposal for the General Assembly to seek an advisory opinion from the International Court of Justice are the only two proposals that remain. The proposal to seek an advisory opinion on the legality of the use of force without prior authorization from the Security Council is particularly problematic. On October 19, the Russian Mission's legal officer advised USUN's legal adviser that the Russians would be willing to withdraw their proposal to seek an ICJ advisory opinion if the Charter Committee could agree to its paper on sanctions.

15. (U) At its 252nd meeting, held on February 15, the Charter Committee had adopted by consensus a recommendation for the Committee to continue to consider Russia's working paper "on a priority basis." The Russians have now amended many of the most objectionable provisions setting forth mandatory terms for imposing sanctions. Formerly problematic language in many cases is now hortatory, or has been amended to add phrases like "as appropriate." In addition, several paras of the text are consensus language from the "Outcome Document," A/Res/60/1.

16. (U) Since Russia has revised its paper significantly,

since it has already invested ten years on the paper, since it has suffered the defeat of many of its other longstanding proposals before the Charter Committee, and since there is widespread GA concern about the Security Council's imposition of sanctions, Russia is pressing hard for the Committee to adopt its paper. Although the revised text is not acceptable as drafted, in particular because it still contains language concerning the humanitarian and socio-economic consequences of sanctions that could constrain the Security Council, it could serve as the basis for discussion.

¶17. (U) During the Sixth Committee's debate on the Charter Committee report October 16 and 17, many delegations expressed support for the Russian paper and said the Sixth Committee should convene a Working Group this fall to complete consideration of the paper. In the U.S. statement, USUN noted that the United States does not believe that the Charter Committee should aim to devise norms concerning the design and implementation of sanctions. Similarly, Portugal, speaking on behalf of the European Union, cited several Security Council initiatives to make sanctions fairer and more effective, argued that the Security Council has addressed concerns about the conditions and criteria for the introduction and implementation of sanctions, and concluded that the Charter Committee should take these developments into account when considering its future work on this issue.

¶18. (U) On the margins of the Sixth Committee debate, USUN advised the Russian delegation of U.S. concerns about convening a Working Group this fall and said it could not support the draft paper. In response, the Russian delegation complained that the U.S. view is "extreme" and argued that the revised paper is anodyne and accommodates delegations' concerns. If the United States refuses to support continuing discussions of the paper, the Russian delegation said it would consult with Moscow to determine whether Russia would present the paper for a vote in the Sixth Committee. (If the Russians put the paper forward for a vote, the Sixth Committee will adopt it overwhelmingly.)

¶19. (C) On October 17, the Chairman of the Sixth Committee invited delegations' views on Russia's proposal to establish a Working Group of the Sixth Committee to discuss the Russian paper this fall. Portugal, speaking on behalf of the European Union, expressed concern that the Sixth Committee's schedule this fall is full. (Privately, they told USUN they would, if pressed, engage in a discussion of the paper.) Russia asked the Chairman for time to hold an informal meeting to discuss its paper. USUN and Norway then both noted that the Sixth Committee's work program does not provide for another Working Group and said we would have to seek instructions on the proposal. The Chairman concluded by recommending that Russia continue its informal consultations with delegations on how best to proceed.

¶10. (C) Although it is not clear whether the Russians will follow through on their threat to push the paper to a vote, it is unlikely that they will abandon this project. If the Russians push to discuss it during the current GA session, USUN can boycott the discussions and vote no on the document produced or engage in the discussion with the objective of delaying completion and/or improving the text to make it acceptable. Action Request: Instructions requested on whether to attend discussions of the revised sanctions draft, which Russia is convening at 3 p.m. on October 22. End Action Request.

KHALILZAD